



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,202	07/30/2003	Vicki Ernst	831.1002 DIV.	8182
21831	7590	12/13/2005		EXAMINER
STEINBERG & RASKIN, P.C. 1140 AVENUE OF THE AMERICAS, 15th FLOOR NEW YORK, NY 10036-5803			AFTERGUT, JEFF H	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,202	ERNST, VICKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeff H. Aftergut	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 November 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 19 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

***Election/Restrictions***

1. Applicant's election of Group III, claims 19 and 20 in the reply filed on 11-21-05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 9-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-21-05.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.P. 989,533 in view of House or alternatively House in view of E.P. 989,533.

E.P. '533 taught that it was known to provide a continuous base sheet having a first surface and a second surface wherein at least one of the surface layers has an adhesive material applied thereto. The reference additionally taught that a plurality of planar objects were selected for arrangement upon the adhesive layer of the base sheet and that the planar objects were positioned and attached to the base sheet through the adhesive. The reference additionally suggested that one skilled in the art would have provided a transparent cover material and laid the transparent cover material over the

continuous base sheet to sealably secure the planar objects between the base sheet and the cover. The applicant is more specifically referred to the embodiments depicted with reference to Figure 2 wherein the planar objects are pieces of paper and/or notes or notices of information 3 which are secured to the adhesive surface of base sheet 211 and a transparent cover 214 is disposed there over. The reference failed to teach that those skilled in the art would have utilized the same for a table placemat but rather employed the same as a bulletin board. The applicant is advised however that it was known to provide additional displays similar in nature to that of E.P. '533 for a tabletop as evidenced by House.

House suggested that it was known to provide a table top (work surface) display which included a transparent cover material and a continuous base surface disposed there under. The reference taught that one would have provided desirable indicia and placed the same between the cover sheet and the base sheet in order to make the display more useful to the user. The reference made it clear that such an arrangement would have been useful on a table top display. It should be noted that onto the display panel one was able to dispose item ranging from a computer mouse to various other desktop articles like pencils, paper clips and adhesive note pads. The applicant is advised that one skilled in the art of desk pads would have understood that sometimes the employee must eat lunch at their desk and thus would have understood that a plate for serving food would have been understood to have been capable of being disposed upon the desk top display at various times during use. The reference failed to teach that there was an adhesive material disposed between the cover sheet and the base sheet

in order to seal the cover material to the base as well as secure the paper materials which were planar there between. However, one skilled in the art would have understood that the use of a repositionable adhesive material would have ensured that the paper information was not displaced from the location one desired to located the same on the mat as the reference to E.P. '533 suggested. Additionally, the use of adhesive would have eliminated the need for additional retaining means for the paper between the layers in House. It would additionally have been understood that the bulletin board of E.P. '533 would have been suitable as a desktop display (or table top display) as it was of similar construction to House (a base and a cover with the sheets of information disposed between the same) and would have been useful for conveying information to the user whether it was used as a bulletin board or as a table or desk top. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the assembly of E.P. 989,533 as a desk or table top display as such would have been useful as evidenced by House. Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the assembly of House with adhesive on the base in order to ensure that the paper materials disposed between the base and the cover were retained in their desired location during assembly and use as suggested by E.P. 989,533.

As noted above, the placing of a plate or the like upon the desktop display of House was suggested and one skilled in the art would have understood that the same (a desk blotter for example) would have been capable of having a plate disposed thereon as the display would become a placemat. With regard to claim 20, note that the

information on the sheets disposed between the base and the cover would have been capable of conveying educational information and one skilled in the art would have understood the same. Note that the calendar or ruler disposed on the display of House clearly would have had educational value.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with Brennan.

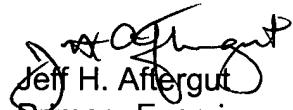
The references as set forth above clearly suggested one skilled in the art would have applied educational media on the placement. Such was clearly up to the individual utilizing the mat. To further evidence that one skilled in the art would have utilized educational materials, the reference to Brennan is cited. Brennan suggested that one skilled in the art would have provided a base with an adhesive upper exposed surface and utilized the same in a similar manner to that of E.P. '533 for attachment of items for a bulletin board. The reference additionally suggested that the assembly would have been useful as a game or educational board, see column 2, lines 20-30. As evidenced by Brennan, one skilled in the art would have readily understood that the boards therein would have been useful as educational boards to convey educational information to either children or adults. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the techniques of E.P. '533 and House as displays for educational information as such was known in the art as evidenced by Brennan.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1733

JHA  
December 8, 2005